

OGC Has Reviewed

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5164

VIA: AIR
SPECIFY AIR OR SEA POUCH

DISPATCH NO.

~~SECRET~~
CLASSIFICATION

TO : Chief, FE
FROM : Acting Chief, Support Mission
SUBJECT: GENERAL- Administrative - Personnel
SPECIFIC- Request for Travel by Dependent Son of

DATE: APR 12 1955

INFO: Office of General Counsel.

25X1A

25X1A2E 1. There is attached hereto for appropriate action copy of memorandum from pertaining to the above subject.
2. Please note that paragraph 5 of memorandum requests that the matter be referred to the Office of General Counsel.
3. It will be appreciated if we may have cable notification if this case is to be reconsidered by Headquarters.

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Attachments: a/s

1 April 1955

Distribution:

3 - Addressee, W. encl.
1 - Office of General Counsel, w/l encl.

Ref A

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31 March 1955

MEMORANDUM FOR: Acting Chief, Support Mission

SUBJECT : 25X1A2E
Request for Travel by Dependent Son of [REDACTED]

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REF: (a) [REDACTED] (24 May 54)
(b) DIR-05809 (22 June 54)
(c) [REDACTED]
(d) DIR-43126 (17 March 55)

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1. Ref (a) explained that [REDACTED] son, then 19, was in school in the U. S. and did not accompany his parents to [REDACTED] in May, 1954, due to his desire to complete the current school semester. It was the stated desire of [REDACTED] that his son come to [REDACTED] in June and return to the U. S. to school in the fall and an opinion was requested with respect to payment of transportation. Ref. (b) in denying the request stated:

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"1. Travel is for personal convenience not KUBARK convenience hence not authorized.

"2. Travel orders authorize son travel providing he remain with principal until official return."

2. After reviewing this situation, we feel ref. (a) to be susceptible of an interpretation other than that contained in ref. (b), and by ref. (c) we requested copy of [REDACTED] basic orders which he had never seen due to the urgency of his departure from headquarters. Ref. (d) advised that a copy was being forwarded and again referred to ref. (b).

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3. [REDACTED]

We do not feel KUBARK has any administrative interest in seeking to examine any motive behind the employee's desire to have his dependents join him initially at his post on permanent change of station. That the dependent need

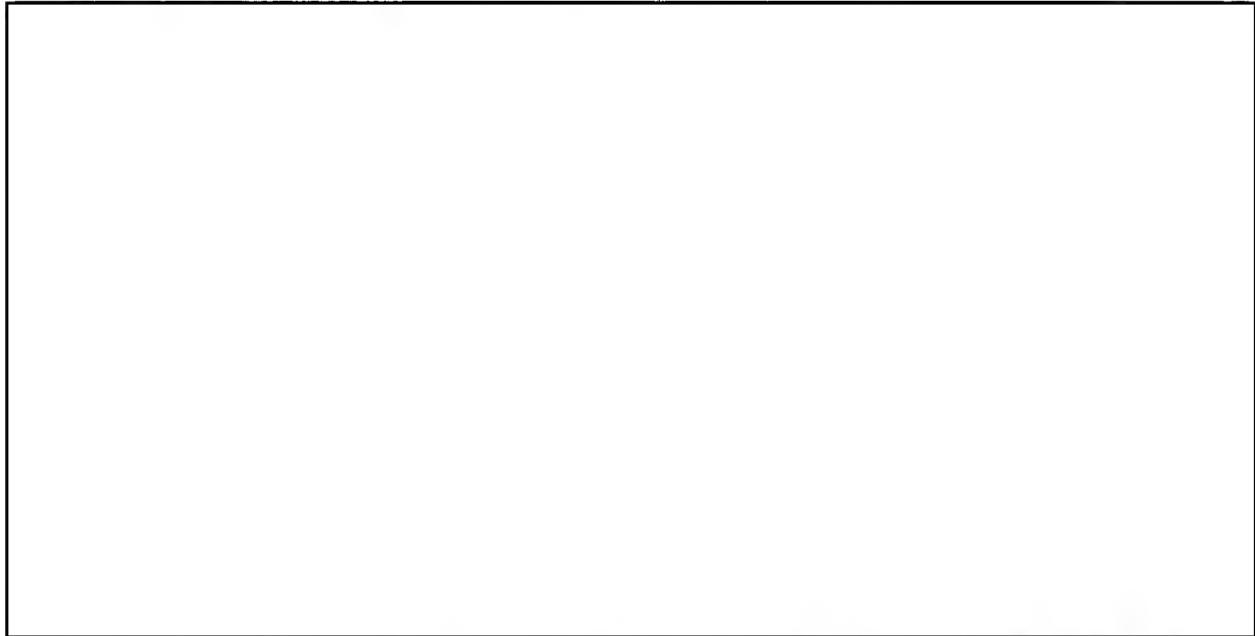
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not necessarily accompany the employee is shown in [redacted]
6 a (1) which provides:

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We submit that sub-paragraph 7c is for application to situations other than those for which authorization is routinely granted such as that of dependents travel to employee's post of duty on permanent change of station and that such transportation of a dependent is not primarily for the convenience of the employee. Further, it would appear that in order to be consistent with the position taken by ref. (b) there would have to be an examination into the motives of each employee in having his dependents join him initially at his post of duty. This we believe was not contemplated by law or regulation and obviously would be an administrative impossibility.

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4. With reference to [redacted] paragraph 3a, (1) (a), in the event his dependent son returns to the U. S. prior to the conclusion of [redacted] tour of duty [redacted] is prepared to assume the cost of such transportation. This paragraph provides for the return of dependents to the United States in advance of the employee when it has been administratively determined that it is in the best interests of this Organization. However, it appears from the Department of Army provisions, re summer travel of student dependents that government transportation may be available in case the dependent son wishes to use it. In addition, attention is invited to the fact that the Department of Army under Department of Defense policy permits student

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dependents of uniformed and civilian personnel to travel to this area on summer vacation via MATS or MSTC on a space available basis. In this connection note an except from Daily Bulletin No. 46, (7 Mar. '55) of Headquarters Ryukyus Command:

*4. TRAVEL OF STUDENTS: In order to insure timely movement of student dependents from CONUS upon completion Spring Term 1955, it is requested that all sponsors desiring travel of student dependents to this command, submit application to the Island Billeting Office no later than 15 Mar. 55.

Information desired to process application is as follows:

Name of Sponsor.
 Rank, Organization and phone number of sponsor.
 Name of student and relationship.
 Date student will be available to travel
 Exact address where student may be contacted in CONUS.
 Statement whether travel is initial overseas movement at government expense in connection with PCS of principal.
 If initial overseas movement, whether air travel is desired."

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From the foregoing it is apparent that the Department of the Army routinely permits the type of travel sought by [redacted] for his dependent son.

5. Accordingly, it is believed that a request for an expeditious ruling on this matter by the Office of General Counsel would be appropriate, assuming no pertinent previous ruling has been issued. In the event our position is agreed with, it is requested that the regulatory time limit with respect to travel by the dependent, contained in [redacted] be waived inasmuch as failure to comply within the stated period will have been directly due to the ruling contained in ref. (b). It is the present desire of [redacted] that his son proceed to [redacted] June 1955.

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6. It is further suggested that if the above position is agreed with, that prompt notice by cable to that effect be issued by headquarters without waiting for transmission of a formal decision.

7. The foregoing was written in response to [redacted] request that the legal adviser review the situation.

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